

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. BASS,

Plaintiff,

25-cv-2478 (JGK)

- against -

ORDER

PERSHING, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The plaintiff has requested that the Court authorize alternative service on defendants Bank of New York Mellon, N.A. ("BNY") and Pershing LLC ("Pershing"). ECF No. 38. The Court also received the attached filings by email from the pro se plaintiff. The parties are reminded that a party should not file any material with the Court that is not copied to all the other parties.

As the Court explained in a prior Order, ECF No. 37, the plaintiff's efforts to serve BNY and Pershing thus far are not authorized under the Federal Rules of Civil Procedure and the N.Y. CPLR. Certified mail is not an authorized method of service on a corporate or LLC defendant. See id. To the extent that the plaintiff argues that the mailing of the Notice of Lawsuit and Request for Waiver of Service of Summons to BNY and Pershing constitutes proper service, the plaintiff is incorrect. The Notice of Lawsuit and Request for Waiver of Service of Summons is simply a request that a defendant waive service of a summons

by signing and returning a waiver. BNY and Pershing have not waived service.

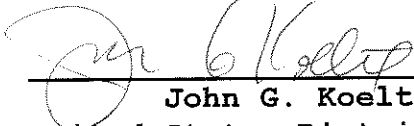
On the other hand, there are authorized methods of service on BNY and Pershing, and the plaintiff claims that he has communicated with counsel for BNY, Anthony Mancuso, and counsel for Pershing, Jesse Lawrence, about this case, but has not received a response. Therefore, the plaintiff and the two lawyers mentioned are requested to appear, by phone, for a conference regarding service on BNY and Pershing on **Tuesday, May 6, 2025, at 3:30 p.m.**

Dial-in: 646-453-4442, with access code 67527833#.

Copies of this Order will be sent to BNY and Pershing although they have not yet appeared in this case.

SO ORDERED.

**Dated: New York, New York
April 29, 2025**



John G. Koeltl
United States District Judge

Koeltl NYSD Chambers

From: ROBERT B <robert.c.bass@strategicsolutions.services>
Sent: Friday, April 25, 2025 5:52 PM
To: Koeltl NYSD Chambers
Subject: RE: URGENT COMMUNICATION TO USDJ - John G. Koeltl Only [Case#: 25-cv-02478]
Attachments: OpenPGP_0x8442C2DFA0A37B3D.asc; robert_c_bass.vcf; OpenPGP_signature.asc

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION - EXTERNAL:

Dear Judge Koeltl:

Please accept and review this email, in direct reference to my response to your April 24th 2025 order, directing the Clerk of the Court to strike my submitted timely motions for certificate of default, statement of damages and proposed order for default judgement, **as premature.**

In a conscious effort to refrain from redundancy, if it pleases the Court, I sent via email, as instructed on the website for the NY State Department of Financial Services (DFS), the Summons signed by the Clerk of the Court, and complaint regarding The Bank of New York Mellon Corporation with the official legal service process address at 240 Greenwich Street in New York City. There has been no return read receipt received, as of the drafting of this urgent communication to Chambers.

The same email sent to DFS was also forwarded via email to **BNY's Senior Vice President and General Legal Counsel - J. Kevin McCarthy** at his corporate email: kevnj.mccarthy@bnymellon.com.

I am informing the Court and your Honor, I initiated (4) separate attempts to speak with the mail department and legal department at BNY (212) 63-1270, at 240 Greenwich Street, to no avail. No one will speak with me or return calls. The Defendant is actively evading service of process. Evidentiary proof was uploaded to ECF/CM for the Court's review and compliance.

With regard to Pershing LLC, proof of signature of service of process via USPS Certified Mail was acknowledged, in a direct call to their mail department, who confirmed the summons and complaint was received and delivered to the Head of Legal - Jesse Lawrence.

The USPS tracking platform, continues to reveal the USPS's ineptness, incompetence and interference with the refusal to attempt and record a 2nd and 3rd attempt to deliver the summons and complaint to BNY, have not been initiated by the USPS. This is not my

problem. Its an ongoing issue with United States Postal Service in Brooklyn and New York City.

I am requesting the Court take this under serious consideration, *de novo* and *sua sponte*, as the USPS failure to deliver, clearly marked LEGAL MAIL, with Mr. Mancuso's name on the envelope has placed the Plaintiff into a vicarious, suspected legal-procedural, non-compliance situation that is clearly prejudicial to the Plaintiff in this instance, violating his protected Constitutional right to due process.

The remaining (2) defendants - FINRA and CGMI, were served with summons and the complaint on the same exact day, at the same time, using the same method of allowed service of process, as promulgated under Rule 4 and 5 of the Fed.R.Civ.P.

The docket clearly reflects the above, in support and both - FINRA and CGMI filed their respective notices of appearance on behalf of their clients and the Plaintiff stipulated, in kind, as a professional courtesy and reciprocity, towards agreeing to their request for extensions to answer. Nothing was done different with properly complying with Federal Rules of Civil Procedure. And since the Plaintiff has previous and as recent as May of 2024, spoken directly with the Head of Legal for Pershing - Mr. Lawrence, in an attempt to resolve this dispute and claim for return of funds owed and absconded, the fact that Pershing signed the return USPS Certified Mail receipt, should stand as *prima facie* evidence in support of proper service of process on the Defendant.

It is of my analysis and assessment, the Court erred, in its opinion and order, instructing the Clerk of the Court to strike all filed motions for default, as premature, when the Defendants - BNY and Pershing, failed to respond or answer in any form, shape or capacity - directly and or indirectly, to the present date. The Court has argued on behalf of (2) defendants who have chosen to not answer or respond, after being served, and the Court, for purposes of delay, has potentially placed itself in a conflict of interest situation, in which **the Plaintiff seeks not to aver**, could be assessed as potential bias, prejudice and lack of impartiality, directed against the Plaintiff.?

Should the Court, ultimately decide there is a requirement for record evidence to be presented to prove all claims and causes of action included the Plaintiff's Complaint, then the Plaintiff can and will produce as evidence, to be sealed, (3) separate pieces of documented evidence - provided by CGMI during a FINRA Arbitration in 2023/2024, as part of Document Production List and Discovery, which will be admissible and self-authenticating under Rule 902 of the Federal Rules of Evidence; proving beyond a reasonable doubt or question, in fact, BNY and Pershing LLC, are guilty as claimed by the Plaintiff, and did, in fact, steal, abscond and profit from use of the Plaintiff's legally-earned funds and conspired to hide and omit the data/information and scheme from the public database and the SEC - which is still under investigation, based upon the Plaintiff's SEC Whistleblower complaint filed in September of 2023.

Should the Court reverse and or amended/correct the record - *sua sponte*, then the Court is required to enter its judgement and order of default as requested by the Plaintiff, effectively immediately, as the Defendants have, in fact, defaulted and actively engaged in evasion and avoidance of service of process and or electing to allow the Court to issue its order for Default Judgement and avoiding an open Court admission of guilt of theft, fraud and conspiracy to engage in prohibited activities under

Federal Civil RICO. The evidence incriminating BNY and Pershing LL is and will not be disputed by FINRA and CGMI, especially so, since CGMI produced the documented evidence confirming the Statement of Damages filed by the Plaintiff, in support of the request for certification by the Clerk and proposed order to be issued by the Court.

The evidence is, in fact and law, irrefutable.

The Plaintiff is prepared - through communication with counsel for FINRA and CGMI, to discussion of a settlement regarding the second account ending in 3224 only! Resolution of this dispute and suit could be resolved either in May or June of 2025, allowing the Plaintiff to be afforded his due process rights without further unnecessary delay or interference.

Respectfully Submitted,

s/Robert C Bass

Founder/Managing Director - Cyber Ops & Counterintelligence

STRATEGIC SOLUTIONS SERVICES & BASS INTELLIGENCE GROUP

***Everyone sees what you appear to be, few experience what you really are.* — Niccolò Machiavelli**

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Koeltl NYSD Chambers

From: ROBERT B <robert.c.bass@strategicsolutions.services>
Sent: Sunday, April 27, 2025 8:01 AM
To: Koeltl NYSD Chambers
Subject: RE: URGENT COMMUNICATION - Supplemental Response & Explanation to Chambers [Case Nr. 25-cv-02478(JGK), Bass v. Pershing et.al.]
Attachments: OpenPGP_0x8442C2DFA0A37B3D.asc; robert_c_bass.vcf; OpenPGP_signature.asc
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION - EXTERNAL:

Dear Hon. John G. Koeltl, USDJ:

The following error and miscommunication by the Court should be reconsidered and corrected - retroactively:

1. The Docket summary reflects the Plaintiff - Robert C Bass, submitted and filed Notice of Lawsuit & Request for Waiver of Summons [**Dk.Entry 3**] on March 26th, 2025, which was sent via email to all named Defendants.
2. The Plaintiff was already in possession of the corporate email addresses for all named defendants, based on prior discussions with legal counsel for all named defendants towards resolution before initiating civil action for return and recovery of funds absconded.
3. The Court did not issue its order for issuance of Summons until March 31st, 2025 [**Dk.Entry 11**], signed by the Clerk of Court to all named Defendants.
4. On April 1st, 2025 [**Dk.Entry 14,15 & 23**], the Plaintiff retained the services of a local process server in Brooklyn, New York, who mailed out the signed summons by the Clerk of the Court issued to all named Defendants, with a copy of the Complaint included via Certified Mail with request for return receipt via United States Postal

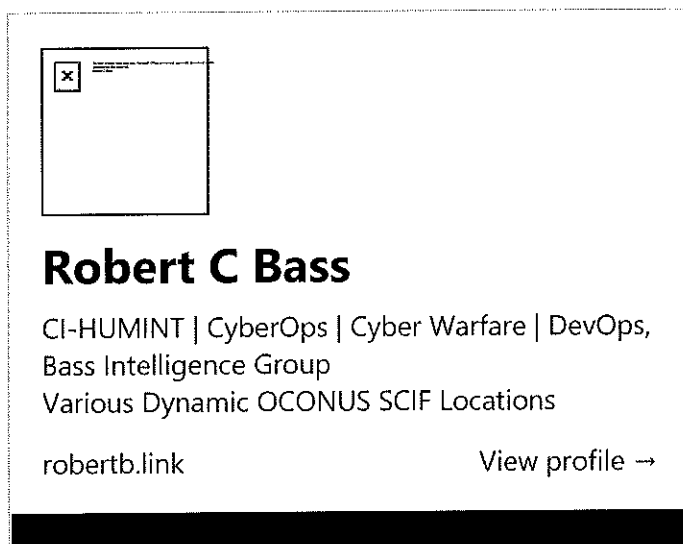
Service (USPS) for delivery the start of the business day on April 1st, 2025. Certificate of Service was uploaded via ECF/CM on April 1st, 2025 and April 21st, 2025, with regard to all named defendants.

5. Defendants - FINRA and CGMI, after receiving the Notice of Lawsuit and Request for Waiver of Summons via email and confirming receipt of the Summons with the Complaint via Certified Mail through delivery by USPS, on the same day - Bank of New York and Pershing, BNY Pershing and Pershing LLC [same parent company - BNY Mellon], both Defendants - FINRA and CGMI, made contact with the Plaintiff via email, requesting a stipulation by the Plaintiff towards submitting its respective request to the Court, asking for an extension of time to answer and respond.
6. Both Defendants - FINRA and CGMI, elected to take advantage of applying for the extension, instead of submission of its answers on or before April 22nd, 2025 - as applies to Defendants - BNY and Pershing, LLC et.al.

The Plaintiff - Robert C Bass, if it pleases this Court, respectfully request your Honor's reconsideration and correction of the record - retroactively, based on the above stated and referenced, as it applies to the Defendants - BNY and Pershing, LLC et.al., because it has been made obvious and clear to this Court, that there exist clear error and miscommunication and misapplication of the local and *Fed.R.Civ.P - Rule 4 and 5*, and a lack of attention to detail by the Clerk of the Court, presuming in error, that the Plaintiff's Motion Request for Certificate of Default Entry by the Clerk of the Court and the submitted [Proposed] Motion of Default Judgement for approval and signature by the Court, was not, in fact and documented evidence, a premature submission requesting entry of default judgement, presuming the that the time to answer for Defendant's - BNY and Pershing, LLC et.al., was automatically and de facto applicable because the Plaintiff also emailed the Notice of Lawsuit and Request for Waiver of Summons on March 26th, 2025, along with mailing out, via Certified Mail the signed Summons by the Clerk of Court and the Complaint on April 1st, 2025.

Because Defendants - BNY and Pershing, LLC et.al., did not and or refused to respond, in kind to the Notice of Lawsuit and Request for Waiver of Summons to the present date, as your honor is reading and acknowledging receipt of this email, the Plaintiff avers, with a high degree of confidence with supporting documented facts included in the record, the Plaintiff - Robert C Bass, avers the Court is required and mandated *sua sponte*, to correct and or amend the record for obvious error and grant the Plaintiff his request for entry of Default Judgement - retroactively, as requested, in full, with any and all additional penalties and punitive damages deemed appropriate and just by the Court.

Respectfully Submitted,



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Koeltl NYSD Chambers

From: ROBERT B <robert.c.bass@strategicsolutions.services>
Sent: Tuesday, April 29, 2025 8:51 AM
To: Koeltl NYSD Chambers
Subject: URGENT COMMUNICATION: Fwd: Certified Mail Electronic Delivery Confirmation [25-cv-02478, Bass v. Pershing et.al.,
Attachments: OpenPGP_0x8442C2DFA0A37B3D.asc; robert_c_bass.vcf; OpenPGP_signature.asc
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION - EXTERNAL:

To the Honorable John G. Koeltl, USDJ:

Kindly take notice of the date I just received the USPS Certified Mail Receipt from my process server - April 29th, 2025. Then review the date the USPS actually delivered the Summons and Complaint - April 8th, 2025.

There is no Mail Fraud or tampering with official USPS mail initiated by myself or my process server. The receipt was received through automated notification by the USPS. There is a serious ongoing problem with mail delivery in NYC.

The receipt has been uploaded via ECF/CM.

Respectfully Submitted,

s/Robert C Bass

----- Forwarded Message -----

Subject:Fwd: Certified Mail Electronic Delivery Confirmation

Date:Tue, 29 Apr 2025 07:32:50 -0400

From:Carol Glasgow <kickfever@gmail.com>

To:Robert Curtis Bass <robert.c.bass@strategicsolutions.services>

Carol Glasgow

347-909-0914

----- Forwarded message -----

From: **Certified Mail Labels** <no_reply@certifiedmaillabels.com>
Date: Tue, Apr 29, 2025, 7:24 AM
Subject: Certified Mail Electronic Delivery Confirmation
To: <kickfever@gmail.com>



This is an Electronic Delivery Confirmation to inform you that a USPS Certified Mail item created 03/31/2025 23:22:52 has been delivered.
USPS Certified Mail Number: **9414811898765445777603**

Addressed To:
Bank of New York Mellon Corporation
Head of Legal
240 Greenwich Street
New York, NY 10286

Your Reference:

This item was **Your item has been delivered to an agent at the front desk, reception, or mail room at 10:25 am on April 8, 2025 in NEW YORK, NY 10007.**

Click here to print Certified Mail Labels Electronic Delivery Confirmation℠ Report.

If you cannot open this link, then please copy and paste the entire URL into your browser's address bar and press Enter

<https://cml-edc.s3.amazonaws.com/9414811898765445777603-20250429.pdf>

You may view detailed delivery information by logging into Certified Mail Labels. On the red navigation bar click Reports, then Summary Tracking Report. This delivery confirmation information will be stored in your secure online account for 10 years.

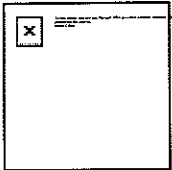
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Robert C Bass

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